

**Statement of
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and
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Subcommittee on Emergency Preparedness, Science, and Technology**

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Introduction. Chairmen Saxton and Reichert, Ranking Members Meehan and Pascrell, and members of the Committees: I appreciate the opportunity to discuss with your committees important components of the nation's overall preparedness. In particular, I will talk about the roles of Homeland Security, the military and the National Guard in responding to disasters, especially catastrophic incidents.

The scope of the devastation from Hurricane Katrina -- and the misery inflicted -- was cruel and unprecedented. As our recovery efforts continue, DHS's commitment remains focused on Katrina's victims.

First, I want to salute the literally tens of thousands of men and women who surged around this catastrophic disaster, working tirelessly and compassionately. At DHS, our FEMA professionals, Coast Guard search-and-rescue teams, Air Marshals, TSA screeners and management, ICE, Secret Service and CBP agents, headquarters staff and others from virtually every part of the Department -- all went to help. And help they did, tremendously. The same is true for virtually every other federal agency.

Today I am joined by colleagues who will detail in particular the extraordinary work of our military forces. We at DHS are grateful for the leadership of Lieutenant General Russell Honore and his troops, U.S. Northern Command (NORTHCOM) under the leadership of Admiral Tim Keating, and Lieutenant General H. Steven Blum, Commander of the National Guard.

The broader federal team has also been in the Gulf states in support of our state and local colleagues following Katrina and Rita. We were joined by emergency management colleagues who came to help from every corner of the Union. Relief and shelter workers, those who opened arms to evacuees across the nation and so many more provided so much for which we can be proud.

Without question, however, Hurricane Katrina posed an extraordinary challenge to our collective response capabilities across all levels of government, non-governmental organizations and the private sector. It stressed some systems and broke others.

As President Bush said, overall “the results are not acceptable.” He also said that it was important that both the Administration and Congress take a good look at what went on to “make sure that this country is knitted up as well as it can be, in order to deal with significant problems and disasters. . . . I am interested,” the President further said, “in solving problems.”

The President is absolutely right, and the scrutiny of DHS’s efforts is healthy. There are obviously processes that need fixing. There are tools -- managerial and otherwise -- that are missing. We are continuing to identify lessons-learned that will provide a foundation for improvement. In all of this, we must ask a simple question: what works? Nothing else matters. There is, moreover, no time to delay. DHS is an all-hazards agency, and we must be more nimble. A sense of urgency and innovation must pervade our work.

The sheer scope of this incident means we are facing policy and operational issues not before confronted. We will continue to work many issues for the path forward with Congress in the weeks and months ahead. Regarding military operations, I can say that we had successes in Katrina. By the time Rita made landfall, we had already absorbed and implemented numerous valuable lessons learned from Katrina.

Department of Defense Responsibilities Under the National Response Plan. The National Response Plan (NRP), published in December 2004, provides the framework for the overall federal incident management and response efforts. The Defense Department, as a signatory to the NRP and under Title 10 authorities, plays an important part in providing federal emergency management assets, closely coordinated with state and local authorities.

The Department of Defense’s main contribution to the NRP is through “civil support” for civilian agencies. The NRP states that when requested, support for civil authorities during domestic incidents is provided by Defense Department forces upon approval of the Secretary of Defense. The Defense Department’s role is triggered through Requests for Assistance (RFAs) -- formal requests from another federal agency requesting specific capabilities in support of the federal response mission. FEMA initiated those requests for the Hurricane Katrina effort and the Defense Department responded to more than 90 RFAs.

FEMA’s role is not to request particular assets, rather to identify core needs or performance requirements, which Defense then meets with assets it judges most effective. We greatly appreciate all Defense did in responding to the FEMA RFAs in support of the Katrina response.

The National Guard also has an important role to play in disaster response. Unless called into federal service by the President, the National Guard operates under the command of its respective state commanders. In Hurricane Katrina, the National Guard operated under the command of the States.

The President has the authority to call the National Guard into federal service when he concludes that he cannot with the regular armed forces execute the laws of the United States. In the event that the President federalizes the National Guard, it operates under the command of the President as part of the regular forces.

Deference to State and Local Authority. As this hearing begins to explore the role of active duty military, Reserves and the National Guard in disasters, we should use as a guide our history and our constitutional relationships with the states. The first lesson of history is that all disasters are local in nature and must be handled to the extent possible by local and state actors, with support from the federal government as needed.

As Publius wrote in *Federalist* No. 45: “the powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.” This foundational principal -- that state and local actors possess the powers within their jurisdictions -- guides our emergency response planning and work.

Over the course of the last thirteen years, America has experienced numerous significant natural disasters, including Hurricane Andrew in 1992 and the 1994 Northridge earthquake. In such cases, the federal government provided crisis response assets to state and local authorities, often including Department of Defense assets.

Catastrophic Events. While America has met the challenges posed by natural disasters, it is important that we think deeply and plan rigorously for the full range of catastrophic events before they occur. It is important that we have detailed plans for deploying military assets, and that these plans respect the chain of command of the Secretary of Defense. It is reasonable to examine fully how and when we use active duty military and federalize the National Guard -- and all other federal, state and local assets -- in catastrophic incidents.

Presidents have historically exercised caution when deciding whether to use the military domestically, and have given great deference to state constitutional authorities in weighing such decisions. This deference is especially important when management of a disaster moves from a response phase to a recovery phase.

Without much difficulty, one can certainly imagine a terrorist attack or series of coordinated attacks that could have such a catastrophic and ongoing effect that Title 10 action would be necessary. In cases that might involve extensive damage to state and

federal institutions and leadership, the case for such action is stronger. In most cases of natural catastrophe, deployment of the National Guard under the control of the governor would be the first and strongly preferred option.

Enhancing Homeland Security and Defense Exercise Activity. In the years following the September 11th attacks and the creation of Homeland Security, we have constituted a National Exercise Program lead by Homeland Security that involves widespread federal, state, local, tribal and international participation, certainly including Homeland Security and the Department of Defense acting in close coordination.

Most recently, in TOPOFF 3 -- in the course of a scenario involving a biological attack, a chemical attack and a vehicle-borne improvised explosive device -- Defense activated its Quick Reaction Force. We have worked closely with the Joint Chiefs of Staff, and with U.S. Northern Command in planning past such exercises and will continue to work closely with them in planning future exercises.

The potential arrival of the H5N1 influenza strain has placed additional requirements on our exercise capabilities.

We will do more to explore ways in which Homeland Security can exercise its capabilities and the capabilities of other federal departments and agencies using the realistic scenarios portrayed in the National Planning Scenarios, while also adding elements involving domestic events that warrant activating more extensive Defense Department capabilities. The key is to enhance our joint exercises so that we learn more about how our collective capabilities can support our state, local and tribal partners as well as private sector operators of critical infrastructure.

The Lessons of Hurricane Katrina. In the weeks ahead, the Administration will continue systematically to collect and process lessons learned from Katrina. From DHS's perspective, a key lesson learned is that a robust Principal Federal Official (PFO) command and control structure provided under the NRP permits a more disciplined engagement with the National Guard and NORTHCOM, especially in truly catastrophic events. Homeland Security has pre-designated and trained a stable of high-level leaders as PFOs that can be rapidly deployed in a matter of hours, if an Incident of National Significance is declared or when a PFO is required.

Another lesson learned is the importance of re-tooling FEMA with modern-day logistics, customer service and financial management operations. We have much to borrow from the private sector and from Defense's Transportation Command on how to manage better the supply chain of emergency relief material. Some of the early points of focus are in-transit visibility tools, automated inventory replenishment systems, fast pull-down capabilities for emergency supplies that are managed as close as possible to the delivery point, and pre-negotiated contracts for supply chain surge capacity. We need to deploy new technology for data management to allow our responders -- whether they

are FEMA employees, military or National Guard members -- to have the information they need to serve the people who need help.

Both Defense and DHS have teams looking at interagency coordination issues. Prior to the landfall of Hurricane Rita, we had already applied valuable Katrina lessons about how to structure, aggregate and manage the RFAs presented to Defense. We were able to pre-package, pre-position, and deploy certain asset clusters more rapidly in advance of the second hurricane based on our experience in Katrina. We will continue collecting and analyzing the lessons of this hurricane. As evaluations are completed and decisions made, we will engage in the remedial action necessary to fix what is broken and shore-up what is sagging. In all of that, we will focus on how to work better, faster, and more effectively with our Defense and National Guard colleagues.

Conclusion. I want to thank the Chairmen and the members of these Committees for exploring this critical issue. Given our country's deep history of civilian control at the state and local level for disasters, we must proceed carefully and deliberately in determining how best to synchronize DHS and Defense capabilities. But as the President said, Hurricane Katrina compels us to explore these issues with serious, sustained focus and a mind open to change. I look forward to beginning that dialogue with you today. Thank you.